

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count One: 15 U.S.C. §1 - Bid Rigging (Count 1)
 Count Two: 18 U.S.C. §1341 - Mail Fraud (Counts 2 through 9)
 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY:
 See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DISTRICT COURT

FILED
NOV 19 2014

DEFENDANT - U.S.

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ALVIN FLORIDA, JR.

DISTRICT COURT NUMBER

CR 14 582**PJH****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form E. Kate Patchen, Dept. of Justice
☐ U.S. Attorney ☒ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned)
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

4148 Creekpoint Court, Danville, California

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 12/8/2014; 9:30 a.m.

Before Judge: Kandis A. Westmore

Comments:

FILED

NOV 19 2014

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PENALTY SHEET

Individual: **Alvin Florida, Jr.**

15 U.S.C. § 1 – Bid Rigging (Count One)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million, or two times the gross gain or loss, whichever is greater
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

CR

14

582

PJH

18 U.S.C. § 1341 – Mail Fraud (Counts Two through Nine)

Maximum Penalties:

1. A term of imprisonment of 20 years
2. A fine of \$1 million
3. A period of supervised release of not more than 5 years
4. \$100 special assessment per count (\$800)
5. Restitution

18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture (Counts Two through Nine)

Any property constituting, or derived from, proceeds obtained directly or indirectly from the scheme and artifice to defraud alleged in said Counts

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count One: 15 U.S.C. §1 - Bid Rigging (Count 1)
 Count Two: 18 U.S.C. §1341 - Mail Fraud (Counts 4, 7, 8 & 9)
 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

NOV 19 2014

DEFENDANT - U.S.**RICHARD W. WIEKING**CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA▶ **ROBERT ALHASHASH RASHEED****PJH**

DISTRICT COURT NUMBER

CR 14 582**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges ▶
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form E. Kate Patchen, Dept. of Justice
☐ U.S. Attorney ☒ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

3320 Blackhawk Meadow Drive, Blackhawk, CaliforniaDate/Time: 12/8/2014; 9:30 a.m. Before Judge: Kandis A. Westmore

Comments:

FILED

PENALTY SHEET

NOV 19 2014

Individual: **Robert Alhashash Rasheed**

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 U.S.C. § 1 – Bid Rigging (Count One)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million, or two times the gross gain or loss, whichever is greater
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

PJH

CR 14 582

18 U.S.C. § 1341 – Mail Fraud (Counts Four, Seven, Eight and Nine)

Maximum Penalties:

1. A term of imprisonment of 20 years
2. A fine of \$1 million
3. A period of supervised release of not more than 5 years
4. \$100 special assessment per count (\$400)
5. Restitution

18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture (Counts Two through Nine)

Any property constituting, or derived from, proceeds obtained directly or indirectly from the scheme and artifice to defraud alleged in said Counts

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count One: 15 U.S.C. §1 - Bid Rigging (Count 1)
 Count Two: 18 U.S.C. §1341 - Mail Fraud (Counts 4, 5, 7 & 9)
 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY:
 See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ JOHN LEE BERRY, III a/k/a "JB"

PJH

DISTRICT COURT NUMBER

CR 14 582**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

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MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form E. Kate Patchen, Dept. of Justice

☐ U.S. Attorney ☒ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**FILED****NOV 19 2014**
RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

Unknown

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 12/8/2014; 9:30 a.m.

Before Judge: Kandis A. Westmore

Comments:

PENALTY SHEET

Individual: **John Lee Berry, III, a/k/a "JB"**

15 U.S.C. § 1 – Bid Rigging (Count One)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million, or two times the gross gain or loss, whichever is greater
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

PJH

CR 14 582

18 U.S.C. § 1341 – Mail Fraud (Counts Four, Five, Seven and Nine)

Maximum Penalties:

1. A term of imprisonment of 20 years
2. A fine of \$1 million
3. A period of supervised release of not more than 5 years
4. \$100 special assessment per count (\$400)
5. Restitution

18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture (Counts Two through Nine)

Any property constituting, or derived from, proceeds obtained directly or indirectly from the scheme and artifice to defraud alleged in said Counts

FILED

NOV 19 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count One: 15 U.S.C. §1 - Bid Rigging (Count 1)
 Count Two: 18 U.S.C. §1341 - Mail Fraud (Counts 2 and 3)
 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY:
 See attachment

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION
DEFENDANT - U.S.

REFUGIO DIAZ, a/k/a "CUCO"

CR 14

582

PJH

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

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☐ U.S. Attorney ☒ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned)
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

FILED

NOV 19 2014

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

13495 Bancroft Avenue Apt 117, San Leandro, California

Date/Time: 12/8/2014; 9:30 a.m.

Before Judge: Kandis A. Westmore

Comments:

PENALTY SHEET

Individual: **Refugio Diaz, a/k/a "Cuco"**

15 U.S.C. § 1 – Bid Rigging (Count One)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million, or two times the gross gain or loss, whichever is greater
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

PJH

CR 14 582

18 U.S.C. § 1341 – Mail Fraud (Counts Two and Three)

Maximum Penalties:

1. A term of imprisonment of 20 years
2. A fine of \$1 million
3. A period of supervised release of not more than 5 years
4. \$100 special assessment per count (\$200)
5. Restitution

FILED

NOV 19 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture (Counts Two through Nine)

Any property constituting, or derived from, proceeds obtained directly or indirectly from the scheme and artifice to defraud alleged in said Counts

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count One: 15 U.S.C. §1 - Bid Rigging (Count 1)
 Count Two: 18 U.S.C. §1341 - Mail Fraud (Counts 4, 8 & 9)
 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY:
 See attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

STEPHAN ALEXANDER FLORIDA

DISTRICT COURT NUMBER

CR 14 582**PJH****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

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 Furnishing Information on this form E. Kate Patchen, Dept. of Justice

☐ U.S. Attorney ☒ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned)
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
FILED**NOV 19 2014**
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

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Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

Unknown

Date/Time: 12/8/2014; 9:30 a.m. Before Judge: Kandis A. Westmore

Comments:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

PENALTY SHEET

Individual: **Stephan Alexander Florida**

15 U.S.C. § 1 – Bid Rigging (Count One)

Maximum Penalties:

1. A term of imprisonment of 10 years
2. A fine of \$1 million, or two times the gross gain or loss, whichever is greater
3. A period of supervised release of not more than 3 years
4. \$100 special assessment per count (\$100)
5. Restitution

PJH

CR 14 582

18 U.S.C. § 1341 – Mail Fraud (Counts Four, Eight and Nine)

Maximum Penalties:

1. A term of imprisonment of 20 years
2. A fine of \$1 million
3. A period of supervised release of not more than 5 years
4. \$100 special assessment per count (\$300)
5. Restitution

FILED

NOV 19 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c) – Forfeiture (Counts Two through Nine)

Any property constituting, or derived from, proceeds obtained directly or indirectly from the scheme and artifice to defraud alleged in said Counts

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

V.

ALVIN FLORIDA, JR.

PJH
CR 14 582

FILED

NOV 19 2014

DEFENDANT(S).

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INDICTMENT

Title 15 U.S.C. § 1 (Bid Rigging) (Count One)
Title 18 U.S.C. § 1341 (Mail Fraud) (Counts Two through Nine)
Title 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) (Forfeiture)
Counts Two through Nine)

A true bill.


Foreman

Filed in open court this 19th day of

November

Ada Means

Bail, \$


Jacqueline Scott Corley
United States Magistrate Judge


Ada Means

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

V.

ROBERT ALHASASH RASHEED

CR 14 582

DEFENDANT(S).

PJH

FILED

NOV 19 2014

INDICTMENT

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Title 15 U.S.C. § 1 (Bid Rigging) (Count One)
Title 18 U.S.C. § 1341 (Mail Fraud) (Counts Four, Seven, Eight and Nine)
Title 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) (Forfeiture)

A true bill.

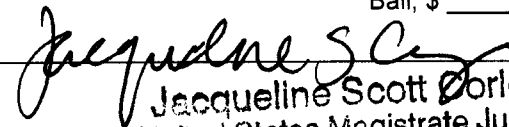

Foreman

Filed in open court this 19th day of

November


Ada Means Clerk

Bail, \$ _____


Jacqueline Scott Dorley
United States Magistrate Judge

Summons

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

v.

CR 14 582

JOHN LEE BERRY, III, a/k/a "JB"

FILED

NOV 19 2014

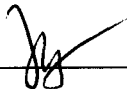
DEFENDANT(S).

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INDICTMENT

Title 15 U.S.C. § 1 (Bid Rigging) (Count One)
Title 18 U.S.C. § 1341 (Mail Fraud) (Counts Four, Five, Seven and Nine)
Title 18 U.S.C. § 981(a)(1)(C) and Title 28 U.S.C. § 2461(c) (Forfeiture)

A true bill.



Foreman

Filed in open court this 19th day of

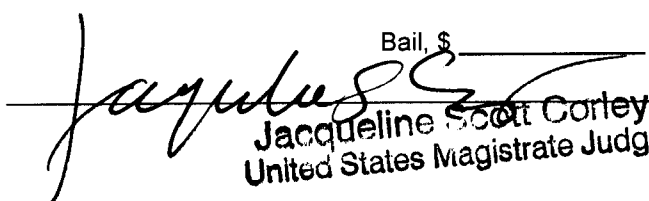
November



Ada Means

Clerk

Bail, \$


Jacqueline Scott Corley
United States Magistrate Judge

Summers

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

V.

CR 14 582

PJH

REFUGIO DIAZ, a/k/a "CUCO"

FILED

NOV 19 2014

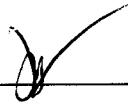
DEFENDANT(S).

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INDICTMENT

Title 15 U.S.C. § 1 (Bid Rigging) (Count One)
Title 18 U.S.C. § 1341 (Mail Fraud) (Counts Two and Three)
Title 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) (Forfeiture)

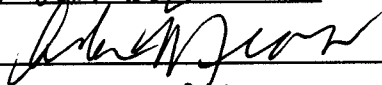
A true bill.



Foreman

Filed in open court this 19th day of

November



Clerk

Ada Means

Bail, \$ _____



Jacqueline Scott Corley
United States Magistrate Judge

Summons

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

UNITED STATES OF AMERICA,

v.

CR 14 582

STEPHAN ALEXANDER FLORIDA

PJH

FILED

DEFENDANT(S).

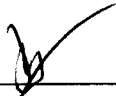
NOV 19 2014

INDICTMENT

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Title 15 U.S.C. § 1 (Bid Rigging) (Count One)
Title 18 U.S.C. § 1341 (Mail Fraud) (Counts Four, Eight and Nine)
Title 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) (Forfeiture)

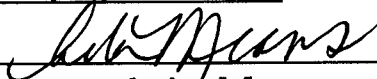
A true bill.



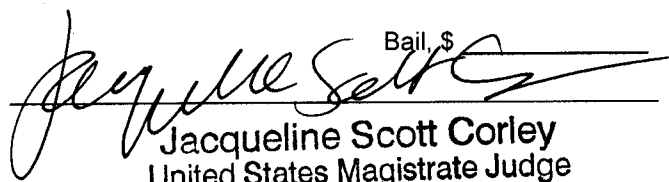
Foreman

Filed in open court this 19th day of

November



Ada Means Clerk


Jacqueline Scott Corley
United States Magistrate Judge

Bail, \$

Summons

Case 4:14-cr-00582-PJH Document 1 Filed 11/19/14 Page 16 of 24

Attorneys for the United States

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PJH

OAKLAND DIVISION

CR 14 582

UNITED STATES OF AMERICA,

) No.

V.

)

) VIOLATIONS: 15 U.S.C. § 1 –

) Bid Rigging (Count One);

ALVIN FLORIDA, JR.;

) 18 U.S.C. § 1341 – Mail Fraud (Counts

ROBERT ALHASHASH RASHEED;

) Two through Nine); 18 U.S.C. §

JOHN LEE BERRY, III, a/k/a "JB";

) 981(a)(1)(C); 28 U.S.C. § 2461(c) –

REFUGIO DIAZ, a/k/a "Cuco";

) Forfeiture

STEPHAN ALEXANDER FLORIDA:

;

Defendants.

)

1

;

INDICTMENT

The Grand Jury charges that:

BACKGROUND

1. At all times relevant to this Indictment, when California homeowners defaulted on their mortgages, mortgage holders could institute foreclosure proceedings and sell the properties through non-judicial public real estate foreclosure auctions (“public auctions”). These public auctions were governed by California Civil Code, Section 2924, *et seq.* Typically, a trustee was

1 appointed to oversee the public auctions. These public auctions usually took place at or near the
 2 courthouse of the county in which the properties were located. The auctioneer, acting on behalf
 3 of the trustee, sold the property to the bidder offering the highest purchase price. Proceeds from
 4 the sale were then used to pay the mortgage holders, other holders of debt secured by the
 5 property, and, in some cases, the defaulting homeowner (collectively “beneficiaries”).

6 2. During the period covered by this Indictment, defendant ALVIN FLORIDA, JR.,
 7 was a bidder at and purchased real estate at public auctions in Alameda County, California, and
 8 directed employee defendants JOHN LEE BERRY, III, REFUGIO DIAZ, and STEPHAN
 9 ALEXANDER FLORIDA, and others to bid on and purchase real estate at public auctions in
 10 Alameda County, California.

11 3. During the period covered by this Indictment, defendant ROBERT ALHASHASH
 12 RASHEED was a bidder at and purchased real estate at public auctions in Alameda County,
 13 California.

14 4. During the period covered by this Indictment, defendants JOHN LEE BERRY,
 15 III, REFUGIO DIAZ, and STEPHAN ALEXANDER FLORIDA were bidders at and purchased
 16 real estate at public auctions in Alameda County, California, on behalf of defendant ALVIN
 17 FLORIDA, JR., and others.

18 **COUNT ONE: 15 U.S.C. § 1 – Bid Rigging**

19 5. The following individuals are hereby indicted and made defendants on the charge
 20 contained in Count One below:

- 21 a. ALVIN FLORIDA, JR.;
- 22 b. ROBERT ALHASHASH RASHEED;
- 23 c. REFUGIO DIAZ;
- 24 d. JOHN LEE BERRY, III; and
- 25 e. STEPHAN ALEXANDER FLORIDA.

26 **THE COMBINATION AND CONSPIRACY**

27 6. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated herein
 28 as if fully set forth in this Count.

7. Beginning as early as May 2008 and continuing until in or about December 2010, the exact dates being unknown to the Grand Jury, the defendants, ALVIN FLORIDA, JR., ROBERT ALHASHASH RASHEED, REFUGIO DIAZ, JOHN LEE BERRY, III, and STEPHAN ALEXANDER FLORIDA, and others known and unknown to the Grand Jury, entered into and engaged in a combination and conspiracy to suppress and restrain competition by rigging bids to obtain hundreds of selected properties offered at public auctions in Alameda County in the Northern District of California, in unreasonable restraint of interstate trade and commerce, in violation of Section 1 of the Sherman Act, Title 15, United States Code.

8. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators to suppress competition by refraining from and stopping bidding against each other to purchase hundreds of selected properties at public auctions in Alameda County at non-competitive prices.

MEANS AND METHODS

9. For the purpose of forming and carrying out the charged combination and conspiracy, the defendants and co-conspirators did those things that they combined and conspired to do, including, among other things:

- a. agreeing not to compete to purchase selected properties at public auctions;
- b. designating which conspirators would win selected properties at public auctions;
- c. refraining from and stopping bidding for selected properties at public auctions;
- d. purchasing selected properties at public auctions at artificially suppressed prices;
- e. negotiating, making, and receiving payoffs for agreeing not to compete with co-conspirators; and
- f. holding second, private auctions, known as "rounds," to determine the payoff amounts and the conspirators who would be awarded the selected properties.

10. Various entities and individuals, not made defendants in this Count, participated as co-conspirators in the offense charged and performed acts and made statements in furtherance thereof.

TRADE AND COMMERCE

11. The public auctions and the business activities of the defendants and co-conspirators that are the subject of this Count were within the continuous and uninterrupted flow of, and substantially affected, interstate trade and commerce. For example, during the period covered by this Count:

- a. substantial proceeds from the sale of properties purchased by the conspirators pursuant to the bid-rigging conspiracy were transmitted from locations in one state to certain beneficiaries located in other states;
- b. instructions regarding the terms of sale of properties that would be purchased by the conspirators pursuant to the bid-rigging conspiracy were transmitted and communicated by certain beneficiaries located in one state to trustees located in other states;
- c. paperwork related to the sale of properties purchased by the conspirators pursuant to the bid-rigging conspiracy was sent by trustees located in one state to certain beneficiaries located in other states, notifying them of the sale of properties in which the beneficiaries held an interest; and
- d. beneficiaries included companies that operated in interstate commerce.

JURISDICTION AND VENUE

12. The combination and conspiracy charged in this Count was carried out, in part, in the Northern District of California, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

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1 **COUNTS TWO THROUGH NINE: 18 U.S.C. § 1341 – Mail Fraud**

2 The Grand Jury further charges that:

3 **SCHEME TO DEFRAUD**

4 13. Paragraphs 1 through 4 of this Indictment are re-alleged and incorporated herein
5 as if fully set forth in these Counts.

6 14. Beginning as early as May 2008 and continuing until in or about December 2010,
7 the exact dates being unknown to the Grand Jury, in Alameda County in the Northern District of
8 California, the defendants, ALVIN FLORIDA, JR., ROBERT ALHASHASH RASHEED,
9 REFUGIO DIAZ, JOHN LEE BERRY, III, and STEPHAN ALEXANDER FLORIDA, and
10 others known and unknown to the Grand Jury, did knowingly and with intent to defraud, devise
11 and participate in a scheme and artifice to defraud beneficiaries and to obtain money and
12 property from beneficiaries by means of materially false and fraudulent pretenses,
13 representations, and promises, and for purposes of executing such scheme, did use and
14 knowingly cause to be used the United States mail and private or commercial interstate carriers.

15 15. The purpose of the scheme was to fraudulently acquire title to hundreds of
16 selected properties sold at public auctions in Alameda County and to divert money to co-
17 schemers that would have gone to beneficiaries.

18 **MEANS AND METHODS OF THE SCHEME TO DEFRAUD**

19 16. For the purpose of forming and carrying out the charged scheme to defraud, the
20 defendants and co-schemers did those things that they schemed to do, including, among other
21 things:

- 22 a. holding second, private auctions, known as “rounds,” to determine payoff
23 amounts and the schemers who would be awarded the selected properties;
24 b. making and causing to be made materially false and misleading statements
25 that trustees relied upon to distribute proceeds to beneficiaries and to
26 convey title to selected properties;
27 c. paying co-schemers monies that otherwise would have gone to
28 beneficiaries;

- d. concealing rounds and payoffs from trustees and beneficiaries; and
- e. causing the suppressed purchase prices to be reported and paid to beneficiaries.

USE OF THE MAILS

17. In order to execute the scheme and artifice to defraud, the defendants and co-schemers knowingly used and caused to be used the United States Postal Service and private or commercial interstate carriers.

18. On or about the dates and with respect to the individual defendants specified as to each count set forth below, the defendants and co-schemers did knowingly cause to be delivered by United States mail and private or commercial carriers, including the United States Postal Service, United Parcel Service, and FedEx, the items identified in each Count below:

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Count	Defendants	Approx. Date	To	From	Description
2	Alvin Florida, Jr.; Refugio Diaz	12/11/2009	22538 Mission Blvd., Hayward, California	California Reconveyance Company	Trustee's Deed Upon Sale for 2335 94th Ave., Oakland, California
3	Alvin Florida, Jr.; Refugio Diaz	1/22/2010	437 Delvin Rd., Ste. 102, Napa, California	Priority Posting and Publishing	Purchase Money and Auction Paperwork for 5830 E. 17th Ave., Oakland, California
4	Alvin Florida, Jr.; Robert Alhashash Rasheed; John Lee Berry, III; Stephan Alexander Florida	3/4/2010	268 Saint Henry Dr., Fremont, California	CR Title Services, Inc.	Trustee's Deed Upon Sale for 5985 Corte Arboles, Pleasanton, California
5	Alvin Florida Jr.; John Lee Berry, III	3/31/2010	41111 Mission Blvd., Fremont, California	ReconTrust Company, N.A.	Trustee's Deed Upon Sale for 554 Andrews St., Livermore, California
6	Alvin Florida, Jr.	8/4/2010	585 Mandana Blvd. #9, Oakland, California	California Reconveyance Company	Trustee's Deed Upon Sale for 3058 Berlin Way, Oakland, California
7	Alvin Florida, Jr.; Robert Alhashash Rasheed; John Lee Berry, III	8/17/2010	2141 5th Ave., San Diego, California	ASAP Sales, Lender Processing Services, Inc.	Purchase Money and Auction Paperwork for 11830 Kilcullin Ct., Dublin, California
8	Alvin Florida, Jr.; Robert Alhashash Rasheed; Stephan Alexander Florida	9/9/2010	2100 Lakeshore Ave. Suite D, Oakland, California	Cal-Western Reconveyance Corporation	Trustee's Deed Upon Sale for 2100 66th Ave., Oakland, California
9	Alvin Florida, Jr.; Robert Alhashash Rasheed; John Lee Berry, III; Stephan Alexander Florida	11/23/2010	22538 Mission Blvd., Hayward, California	Cal-Western Reconveyance Corporation	Trustee's Deed Upon Sale for 2326 Maywood Ave., Oakland, California

JURISDICTION AND VENUE

19. The scheme and artifice to defraud charged in Counts Two through Nine was carried out, in part, in the Northern District of California, within the five years preceding the return of this Indictment.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 1341.

FORFEITURE ALLEGATION: 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)

20. Paragraphs 1 through 4 and Paragraphs 13 through 19 of this Indictment are hereby re-alleged as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

21. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of the offenses alleged in Counts Two through Nine of this Indictment, each defendant so convicted shall be jointly and severally liable to forfeit to the United States any property constituting, or derived from, proceeds obtained directly or indirectly from the scheme and artifice to defraud alleged in said Counts.

22. If, as a result of any act or omission of the defendants, any of said property:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

any and all interest that the defendants have in any other property, up to the value of the property described in Paragraph 21, above, shall be forfeited to the United States pursuant to Title 21,

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United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

Dated: 11-18-2014

A TRUE BILL.



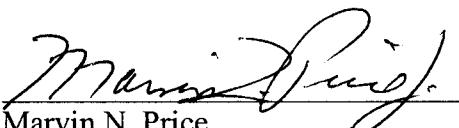
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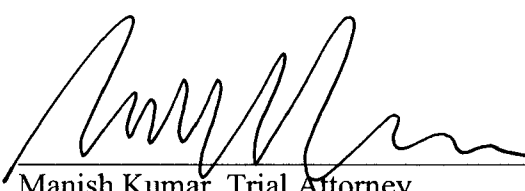
Brent Snyder
Deputy Assistant Attorney General



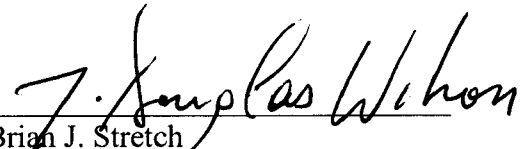
Marc Siegel
Chief, San Francisco Office



Marvin N. Price
Director of Criminal Enforcement
United States Department of Justice
Antitrust Division



Manish Kumar, Trial Attorney
E. Kate Patchen, Assistant Chief
Gabriel R. Martinez, Trial Attorney
United States Department of Justice
Antitrust Division



Brian J. Stretch
Attorney for the United States
Northern District of California
Acting Under Authority Conferred
by 28 U.S.C. § 515